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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,749	11/03/2000	Kohei Nakata	35.C14512	5514

5514 7590 08/26/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

KRISHNAN, SUMATI

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,749

Applicant(s)

NAKATA, KOHEI

Examiner

Sumati Krishnan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Dynka et al (US 5997378).

Regarding claim 1, Dynka discloses a method for producing a flat panel display, comprising a face plate portion (12) and a rear plate portion (14) opposite each other (see figure 1), a frame portion (see side portion of element 14) wherein the method comprises a step of adhering a portion to be adhered between the face plate and the rear plate while guiding by a jig, and said jig functions as a guide such that relative positions between said face plate and said rear plate are in a predetermined state at least in a direction within a plane of the plates, and a movement in an interval direction of said face plate and said rear plate can be allowed (see column 7 lines 59-67).

Regarding claim 2, Dynka discloses a method for producing a flat panel display, comprising a face plate portion (12) and a rear plate portion (14) opposite each other (see figure 1), a frame portion (see side portion of element 14) wherein the method comprises an alignment step of aligning relative positions between the face plate and rear plate (see column 2 lines 35-40), a step of positioning a jig (66) for determining relative positions in a direction within a plan

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of the plates between said face plate and said rear plate by fitting to said face plate and said rear plate in the aligned state (see column 7 lines 59-66) and a step of adhering a portion to be adhered between said face plates and said rear plates while setting the relative positions between said face plate and said rear plate in a direction within a plane of the plates using said jig. (col. 7 lines 59-66 for example).

Regarding claims 3 and 4, Dynka discloses the step of adhering including applying pressure as well as a heating step. See col. 9 lines 43-50 for example.

Regarding claims 8-10, Dynka discloses said flat panel display comprising an electron emitting portion (see figure 2, emitters 28 provided on said rear plate portion) and a fluorescent member which becomes fluorescent by an electron emitted by the electron emitting portion (phosphors 38 provided in said face plate portion).

Regarding claim 11, Dynka discloses a support member provided between said face plate portion and said rear plate portion for maintaining an interval between said plates, see for example frame 14.

Allowable Subject Matter

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither shows nor suggests a jig comprising a sliding portion, a plate side jig fixed to said face plate and a portion touching the plate side jig setting relative positions between said face plate and said rear plate, or a coefficient of thermal expansion of the jig equal to that of the front plate and rear plate.

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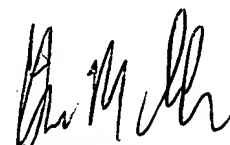
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumati Krishnan whose telephone number is 703-305-7906. The examiner can normally be reached on 8:00 am - 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

SK

THOMAS M. SEABER
PRIMARY EXAMINER



THOMAS M. SEABER
PRIMARY EXAMINER